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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,300	09/24/2001	Hiroshi Tsuda	826.1752	4780
21171 7590 05/18/2007 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER CHAMPAGNE, LUNA	
			ART UNIT 3627	PAPER NUMBER
			MAIL DATE 05/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/960,300	TSUDA ET AL.	
	Examiner	Art Unit	
	Luna Champagne	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-34 is/are pending in the application.
- 4a) Of the above claim(s) 28 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-27, 29, 31-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 28, 2007 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 24-27, 29, 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woolston (6,085,176), in view of Smith et al. (US 6,853,982 B2).

Woolston discloses a computer readable storage medium storing instructions that when executed cause a processor to perform a method comprising (See, e.g., col. 3, lines 9-15):

receiving possession specifiers, each specifying a possessed merchandise that one of a plurality of customers possesses, transmitted from the customers via a network

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(via for example posting terminal where user enters descriptions such as the name of the item, and a brief description of the item - See, e.g., col. 15, lines 53-67):

maintaining first records, each concerning the possessed merchandise that at least one of the customers possesses, based on the possession specifiers *(via creating database of used goods or collectibles hereinafter "goods" and via creating past transaction that specifies and/or identities the owner of a particular good to a consignment node that may be networked via TCP/IP and the internet or a private or public network or service providers network - See, e.g., fig. 5; col. 16, lines 3-5):*

Woolston also discloses the steps of determining, when receiving a purchase order for an identified merchandise transmitted from the customer via the network, whether the identified merchandise is in possession of the customer based on the record concerning the possessed merchandise, and transmitting a result of said determining to the customer when determining that the customer possesses the merchandise stated in the purchase order (See, e.g., col. 18, lines 30-47).

Woolston further discloses the steps of storing records in a database for a plurality of users, each related to a merchandise possessed by an owner, based on information about the merchandise received via a network and indicating whether the owner wants to retain the merchandise (See, e.g. col. 3, lines 51-67, col. 4, lines 1-1); responding to a request from an ordering user for a requested merchandise with a report on an amount of the requested merchandise possessed by the user when the records stored in the database indicate that the ordering user possesses the requested merchandise (See, e.g. col. 3, lines 27-32).

Woolston however fails to explicitly disclose consolidating by attribute a second records concerned with unwanted merchandise and presenting a result of said consolidating to potential buyers. Woolston also fails to disclose specifiers, each specifying merchandise the customer does not want anymore.

Smith et al. discloses the concept of consolidating second records concerned with unwanted merchandises, receiving unwanted merchandise specifiers, each specifying an unwanted merchandise any of the customers does not want anymore, transmitted from any of the customers via the network; and presenting a result of the consolidating to potential buyers (*See, e.g. col.14, lines 3-33*)

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify Woolston to include the consolidating of unwanted merchandise, as taught by Smith et al., in order to facilitate exchange to merchandise and/or article among multiple users.

Response to Arguments

4. Applicant's arguments with respect to claims 24-27, 29, 31-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Walker (US 6,988,077 B1), Williams et al. (6,058,379).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luna Champagne whose telephone number is (571) 272-7177. The examiner can normally be reached on Monday - Friday, 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Luna Champagne
Examiner
Art Unit 3627

May 8, 2007

 5/13/07
F. RYAN ZEENDER
PRIMARY EXAMINER